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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,755	02/25/2002	Herve Benoit	PHFR 010022	8281

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EXAMINER

BROWN, CHRISTOPHER J

ART UNIT PAPER NUMBER

2134

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/084,755	Applicant(s) BENOIT, HERVE	
	Examiner Christopher J. Brown	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 11/15/2005 have been fully considered but they are not persuasive.

The applicant argues as per claims 1-10 that a demultiplexer is not a decoder. The examiner disagrees. Stated in Newby US 6,155,821, in Figure 2, column 3 lines 45-50, the "encoder" combines encrypted segments and entitlement messages. Figure 3, column 4 lines 13-20, and column 5, lines 29-35, state a "demultiplexer" separates the segments and messages. Since the encoder "encoded" them together (or multiplexed) the demultiplexer decodes, or demultiplexes them. The decryptor in column 5, lines 28-35 is the descrambling means for descrambling the encrypted information into clear information.

The applicant argues that the descrambling means does not comprise hardware for executing a software routine. The examiner points to Newby column 5 lines 15-20, which claim, among other hardware, a "access control processor including a decryptor".

The previous office action is repeated below for the applicant's convenience:

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Newby US 6,115,821.

As per claim 1, 10 Newby teaches a system to process and decoded signals in order to convert them into output stimuli understood by a user, (Col 3 lines 5-17). Newby teaches use of a decoder, (Col 5 lines 28-35). Newby teaches an output device, (Col 4 lines 1-10). Newby teaches descrambling means activated by an enabling signal, (Col 6 lines 1-20). Newby teaches descrambling means comprise hardware activated by said enabling signal, (Col 5 lines 43-60).

As per claim 3, Newby teaches the enabling means are incorporated in the decoder, (Col 5 lines 21-24, Col 6 lines 33-36).

As per claims 5, and 6 Newby teaches a smart card interfacing with the decoder to provide the enabling means via an enabling signal, (Col 7 lines 20-34).

As per claim 8, Newby teaches use of a smart card, (Col 7 lines 27, 61).

As per claim 9, Newby teaches where enabling means are provided through real-time data exchange, via multiple means of communication (Col 3 lines 40-60).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newby US 6,115,821 in view of Gammie US 5,029,207.

As per claim 2, Newby does not teach that the descrambler is in the decoder. Gammie teaches that the descrambler is in the decoder, (Fig 2).

It would have been obvious to one of ordinary skill in the art to use the method of Gammie with the system of Newby because by combining the descrambler with the decoder the system is smaller and more efficient.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newby US 6,115,821 in view of "Functional Model of a Conditional Access System" EBU Project Group.

As per claim 4, Newby does not teach where the decoder is incorporated into the output device, EBU teaches that the decoder may be part of an output device, (pg 71, 4.1

Paragraph 2). It would have been obvious to one of ordinary skill in the art to integrate the system with the output device to make the system smaller and more user friendly.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newby US 6,115,821 in view of Della Valle EP 1168137A1

As per claim 7, Newby teaches a smartcard memory for storing protected information, but fails to teach a detachable smart card reader.

Della Valle teaches a detachable smart card reader capable of interacting with a device and a smartcard, [0011], [0023], Fig 1.

It would have been obvious to one of ordinary skill in the art to use the portable smart card reader of Della Valle with the system of Newby to enhance the security to prevent unwanted users from accessing the system.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

Art Unit: 2134

advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

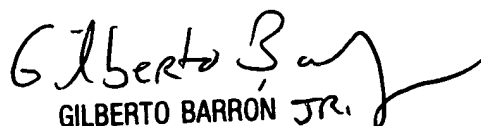
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Brown whose telephone number is (571)272-3833. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on (571)272-3838. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher J. Brown

1/10/06



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